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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/788,800

02/27/2004

Jeffrey D. Chassee

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11/01/2006

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,800

Applicant(s)

CHASSEE, JEFFREY D.

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-28 and 40-44 is/are pending in the application.
- 4a) Of the above claim(s) 29-33 and 35-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-28 and 40-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 12, 2006 has been entered.

Election/Restrictions

Applicant's election without traverse of species I (claims 1-13, 15-28, 40-44) in the reply filed on August 11, 2006 is acknowledged.

Claims 29-33 and 35-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 11, 2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11-13, 15,18, 22-26, are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 2,348,658 to Slaughter. Slaughter discloses a trim (T) on a support having an upwardly facing surface, the trim comprising;

a single piece defining a horizontal wall (2) having a flat upwardly facing surface residing substantially in a first reference plane; an upright wall (3) projecting upwardly substantially orthogonally away from the horizontal wall and the upwardly facing surface and having first and second oppositely facing surfaces; and a cap (1) on the upright wall and having first and second free ends, the cap, horizontal wall and first surface on the upright wall cooperatively defining a U-shaped first receptacle opening (6) in one horizontal direction, the cap, second surface on the upright wall and upwardly facing surface on the support cooperatively defining a U-shaped second receptacle opening (6) oppositely to the one horizontal direction; a first layer (WB) placed against the upwardly facing support surface and having a first edge portion that nests in the U-shaped first receptacle, the horizontal wall configured so that the first layer can be directed up to and nested in the U-shaped first receptacle against the horizontal wall by movement relative to the trim parallel to the first reference plane without deforming the cap; and a second layer (WB) placed against the upwardly facing surface and having a second edge portion that nests in the U-shaped second receptacle, wherein the upright wall, cap, and at least a part of the horizontal wall are substantially rigid and rigidly interconnected so that the upright wall and cap have a substantially fixed relative orientation relative to each other and the at least part of the horizontal wall so that the cap maintains a substantially fixed orientation relative to the upwardly facing support surface.

As to claims 2-7, the first layer and second layer may be wall board of substantially rigid material. Further, Slaughter recognizes that other rigid material other than a wall board may be used to be held in place such as wood, metal and glass, etc. (see col. 4, lines 11-13). In addition, the first and second layer may be of a flexible material such as plastic or sheet material.

As to claims 8, 9 and 13, Slaughter discloses that the trim may include reinforcement strips formed of metal and the main body of the trim itself is of a non-metal such as plastic formed by a molding or extrusion process.

As to claims 11, 12, 26 and 44, the horizontal wall has opposing flat surfaces respectively within first and second reference planes extending to a end section away from the upright wall and the horizontal wall is so constructed if necessary, the horizontal wall may be weakened at an end section (beyond groove 9), such that the horizontal wall is reconfigurable or flex within a space between the first and second reference planes. Tack prongs (12) are provided on the horizontal wall.

As to claims 15 and 18, as seen in figure 1, the horizontal wall, upright wall and cap define a substantial uniform thickness and the cap has a first downwardly facing surface that meets with a surface on the upright wall at a straight line.

As to claims 22-25, the free ends of the cap terminates at a portion that is rounded so that there are no sharp corners on that portion of the cap, wherein the corner portion is disposed at an angle less than 25 degrees.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 16, 17, 19-21, 27, 28 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slaughter in view of USPN to 5964499 to Carter. Slaughter discloses all the structural limitations of claim 27 in particular, except for the cap defining first and second downwardly facing surfaces and the first downwardly facing meets with a side of the upright wall at a line wherein the second downwardly facing surface of the cap meets with a second side of the upright wall at radiused surface portion as claimed. Further, Slaughter does not specifically disclose that the cap, which defines opposing portions which project from the upright wall to free ends at different distances from the upright wall as claimed instead as seen in figure 1 of Slaughter, the cap (1) appears to extend on either side of the upright wall in symmetry. Carter teaches a seal support member (100) as seen in figures 5 and 7 having similar structural components to applicant's invention.

Here, Carter teaches a seal support having a single piece defining a horizontal wall (70) having a flat upwardly facing surface residing substantially in a first reference plane; an upright wall (68) projecting upwardly substantially orthogonally away from the horizontal wall and the upwardly facing surface and having first and second oppositely facing surfaces (63, 61); and a cap (80, 64) on the upright wall and having first and second free ends (87, 69), the cap, horizontal wall and first surface on the upright wall cooperatively defining a U-shaped first receptacle opening at 63

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in one horizontal direction, the cap, second surface on the upright wall and upwardly facing surface on the support cooperatively defining a U-shaped second receptacle opening at 61 oppositely to the one horizontal direction; the first and second receptacle openings may receive an object. The cap has a first downwardly facing surface (65) and the first downwardly facing surface and the first surface on the upright wall meet at a line, wherein the cap has a second downwardly facing surface and the second downwardly facing surface and the second surface of the upright wall meet at a radiused surfaced portion (85), wherein the cap has a first part (80) that projects a first distance from the upright wall to its respective free end 87 that bounds the first receptacle opening and a second part (64) that project a second distance from the upright wall opposite the first part and bounds the second receptacle opening wherein the first distance is substantially greater than the second distance. Such an elongated tapered design of the seal support of Carter affords a single effective seal support to be used when attached to different styled or manufactured operating components. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention was made to modify the trim of Slaughter to incorporate the alternative design of the seal support taught by Carter presenting an enhanced multi-purpose trim affording various utilization to anchor or position to glass, plastic, metal, flexible or wood structures with ease of assembly or removal with low manufacturing costs of production.

As to claims 16 and 17, although Slaughter or Slaughter in view of Carter does not disclose the exact thicknesses of the upright, horizontal and cap walls as claimed, such an exact measurement is considered a design choice for the intended usage of the invention. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention was made

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to modify the trim of Slaughter to include the range of thickness as claimed, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Response to Applicant's Arguments

In response to applicant's remarks presented on pages 15-18 and applicant's choice to amend the claims in the Amendment filed on May 12, 2006, Slaughter and Slaughter in view of newly cited and applied reference #5,964,499 to Carter has been used to meet the structural limitations of applicant's claims as presently amended. Carter has been used as a secondary teaching to render obvious the structural design of applicant's limitations. Subsequently, Slaughter and Carter has been employed which takes the place of prior references to Rohrberg et al and Barnes in the previous Action of February 13, 2006. Consequently, claims 1-13, 15-28 and 40-44 are found to be unpatentable over the prior art made of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

André L. Jackson
Patent Examiner
AU 3677

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ROBERT J. SANDY
PRIMARY EXAMINER